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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,631	07/29/2003	Chung Kee Lee	B-5168 621105-7	9059

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EXAMINER	
KHAIRA, NAVNEET K	
ART UNIT	**PAPER NUMBER**
3754	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,631	CHUNG KEE LEE	
	Examiner	Art Unit	
	Navneet Sonia Khaira	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohr et al (US 5,271,531).

Referring to claim 1, Rohr et al discloses a dispensing closure comprising:

a closure body (50, Fig 1) adapted to be assembled to the opening of a container, the closure body (50, Fig 1) defining a dispensing passage for communication between the container interior and exterior through the container opening (Col 1, line 55-60)

an automatic sealing valve disposed in the closure body across the dispensing passage, the valve opening in response to increased container pressure and automatically closing in response to released container pressure (Col 1, lines 17-19, lines 59-65), and comprising;

(a) the closure body (50, Fig 1) having a cylindrical body (Fig 1) for attachment to the container (Col 5, line 49), a horizontal covering part ((58E, Fig 20) extending inwardly from the top of the cylindrical body (Fig 1), a vertical covering part(88E, Fig 20) extending upwardly from the inner end of the horizontal covering part (58E), and a top covering part (90E, fig 20) extending inwardly from the upper end of the vertical covering part (88E) and protruding downwardly at its lower surface (Fig 20 shows 90E on a downward slope, which forms a generally tubular spout(68, Fig 4); and

(b) the automatic sealing valve having a static member (170E, Fig 20) for engagement in the inside space made by the horizontal (58E, Fig 20) covering part, vertical covering part (88E, Fig 20) and top covering part (120E) of the closure body (50, Fig 7), and a dynamic member (192 Fig 3); and

wherein the static member (170E Fig 20) comprises a horizontal part (top portion of 120E) corresponding to the horizontal covering part (58E, Fig 20) and a vertical part (172E, Fig 20, 3 vertical bars) corresponding to the vertical covering part (88E, Fig 20), and the dynamic member (192, Fig 3) comprises a flexible lateral part extending inwardly from the top of the vertical part and then bending downwardly, and an automatic (98, Fig 5) sealing part extending inwardly from the flexible lateral part (92, Fig 3) and having a central opening-closing slit (94, Fig 3); and

wherein the top surface of a connect portion between the vertical part (96, Fig 3) and the flexible lateral part (92, Fig 3) have a generally V-shaped groove (Fig 3), and the top surface of the automatic sealing part (98, Fig 5) forms the shape of a reverse dome (Fig 3), and the outer,

peripheral surface (178, Fig 3) of the automatic sealing part (98, Fig 3) slopes outwardly, downwardly (see surface where arrow of 70 points) at least 5 degrees from its vertical axis.

However the thickness of the flexible lateral part (92, Fig 3) is not disclosed as being less than 1/3 of the thickness of the vertical part (96, Fig 3) and not less than 1/3 of the thickness of the peripheral portion (178, Fig 3) of the automatic sealing part (98, Fig 5), it would be obvious to decrease the thickness of the flexible lateral part to provide greater flexibility for the lateral part when pressure is applied to enhance the sealing function of the valve and to make distortion on the flexible lateral part as easy as possible.

Referring to claim 2, it would have been further obvious to provide the thickness of the flexible lateral part (92, Fig 3) seems less than 1/4 of the thickness of the vertical part (96, Fig 3) and simultaneously could be less than 1/4 of the thickness of the peripheral portion (178, Fig 3) of the automatic sealing part (98, Fig 5) in order to as discussed above to provide greater flexibility for the lateral part where pressure is applied to enhance the sealing function of the valve and to make distortion on the flexible lateral part as easy as possible.

Referring to claim 3, Rohr et al further discloses the outer, peripheral surface (178, Fig 3) of the automatic sealing part (98, Fig 3) slopes outwardly, downwardly (see surface where arrow of 70 points) at least 5 to 15 degrees from its vertical axis.

Referring to claim 4, Rohr et al further discloses the cylindrical body (Fig 1) of the closure body (50, Fig 1) further includes an annular, small ring (90, Fig 4) which protrudes inwardly from the inner surface of the cylindrical body (Fig 1) with which the horizontal part (98, Fig 4) of the automatic sealing valve comes into contact.

Referring to claim 5, Rohr et al further discloses the dispensing closure (Figs 1 & 2) further includes a cap (120, Fig 2) for protection of the automatic sealing valve and being connected to the cylindrical body of the closure body (50, Fig 1) through a snap hinge (124, Fig 2), the cap (120, Fig 2) having a central post (180) which is disposed within cavity of the valve when the cap (120, Fig 2) is closed thereover (fig 4).

Citation of Related Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (US 6,145,688), Gross (US 6,089,419), Mueller (US 6,112,951), and Gross et al (US 5,676,289) references also disclose pressure activated-valve closure devices for containers.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7142.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet Sonia Khaira
Examiner
Art Unit 3754

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